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A-A-S

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/043,954	03/27/98	HEIDEMEYER	P 3210X198

IM62/0616  
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EXAMINER	
SOOHOO, T	
ART UNIT	PAPER NUMBER
1723	6

**DATE MAILED:** 06/16/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/043,954</b>	Applicant(s) <b>Heidemeyer et al</b>
	Examiner <b>Tony Soohoo</b>	Group Art Unit <b>1723</b>

Responsive to communication(s) filed on Mar 27, 1998.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1 and 6-13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 6-13 is/are allowed.

Claim(s) 1 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

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--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are narrative in nature which render the claim unclear in the particular manipulative steps applicant considers as the method.

Additionally the phrase “which can be induced of at least...” in line 5 of claim 1 renders the scope of the manipulative step unclear whereby “which can be” appears to be an alternate choice in a positive step. It is unclear if the induced step is a positive limitation to the claim.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese reference JP, A, 05 116 140, as cited by the International Bureau (IB) as an X reference to claim 1.

### ***Allowable Subject Matter***

4. Claims 6-13 are allowed.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following disclose mixing using twin screw extruders: Takiura et al 4113822, Ullrich 4162854 and Valenzky et al 4707139.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Soohoo whose telephone number is (703) 308-2882. The examiner can normally be reached on Monday through Friday 8:00 am to 5:00 pm.

Please direct all written correspondence for this application to **Art Unit 1723 (formerly numbered as 1306 or 3405)**.

Any telephone status inquiries regarding this application should be directed to the group receptionist at (703) 308-0661.

Tony Soohoo

Primary Examiner

Technology Center Art Unit 1723



TONY G. SOOHOO  
PRIMARY EXAMINER

TGS/tgs

June 11, 1999